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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Becky RIVAS,
2.) Joel HERNANDEZ-Sanchez
3.) Jose Luis SAUSEDA-Corrales
4.) Martin CHAPA-Contreras

Defendant(s)

Magistrate Case No.: '08 MJ 07 40

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Attempted Bringing in Illegal

Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **March 6, 2008,** within the Southern District of California, defendants **Becky RIVAS, Joel HERNANDEZ-Sanchez, Jose Luis SAUSEDA-Corrales, and Martin CHAPA-Contreras**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martin BARAJAS-Paz, Jose Alfredo DURAN-Lopez, and Adolfo BARAJAS-Rivera,** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens and upon arrival not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **MARCH, 2008**

~~Leo S. Papas~~
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
1.) Becky RIVAS
2.) Joel HERNANDEZ-Sanchez
3.) Jose Luis SAUSEDA-Corrales
4.) Martin CHAPA-Contreras

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Martin BARAJAS-Paz, Jose Alfredo DURAN-Lopez, and Adolfo BARAJAS-Rivera** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 6, 2008, Senior Border Patrol Agents J. Diaz and R. Godreau were conducting anti-smuggling operations in El Cajon Station's area of responsibility near Tecate, California. This area is approximately five miles east of the Tecate, California Port-of-Entry and is commonly used by smugglers of humans, drugs, and other contraband to further their entry into the interior of the United States and to avoid apprehension by Border Patrol Agents. California State Route 94 (SR-94) is the major thoroughfare that runs through this area and is a common corridor used by alien/drug smuggling organizations in order to evade apprehension.

At approximately 7:30 pm, Agent Diaz observed a white Dodge truck driving westbound on SR-94 past his stationary position on the side of the road. Agent Diaz observed that the vehicle was traveling very slowly. Agent Diaz began to follow the vehicle and observed the driver attempt to pull over to the side of the road on several occasions. Believing that the vehicle's actions were consistent with those of alien smugglers who are not familiar with the area and are looking for a place to pick-up aliens, Agent Diaz activated his vehicle emergency equipment and conducted a vehicle stop on the Dodge Truck. The vehicle yielded to the side of the road on SR-94, 100 yards west of Potrero Valley Road. Agents Godreau and Diaz approached the vehicle and identified themselves as United States Patrol Agents and questioned the driver and passenger individually in relation to their citizenship and nationality. The driver, later identified as defendant Becky RIVAS, stated she was a United States Citizen. The passenger, later identified as defendant Joel HERNANDEZ- Sanchez stated he was a citizen and national of Mexico, illegally present in the United States without any immigration documents that would allow him to enter or remain legally. Both subjects were placed under arrest and transported to the Tecate, California Processing Center for further investigation and processing.

During processing RIVAS freely admitted that she had been previously arrested for alien smuggling and stated that she knew her passenger was an illegal alien. RIVAS also freely volunteered to show the agents the location of the group of illegal aliens she was en-route to pick up. Agents Diaz and Godreau drove to the location that RIVAS had indicated and discovered fourteen individuals hiding in surrounding brush. The location indicated by RIVAS was on SR- 94 and is approximately one mile east of Little Tecate Peak Trail. This area is approximately 10 miles north and two miles west of the Tecate, California Port of Entry. Agents Diaz and Godreau identified themselves as United Stated Border Patrol Agents and questioned each subject individually in relation to their citizenship and nationality. All fourteen subjects stated they were citizens and nationals of Mexico illegally present in the United States without any immigration documents that would allow them to enter or remain legally. All fourteen subjects were placed under arrest and transported to the Tecate, California Processing Center for processing.

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CONTINUATION OF COMPLAINT:
1.) Becky RIVAS
2.) Joel HERNANDEZ-Sanchez
3.) Jose Luis SAUSEDA-Corrales
4.) Martin CHAPA-Contreras

DEFENDANT STATEMENT (Becky RIVAS):

RIVAS was advised of her Miranda Rights and agreed to answer questions without an attorney present.

RIVAS stated that she received a phone call on Thursday, March 6, 2008, from an unknown smuggler and was asked if she would pick up undocumented aliens in Tecate, California. RIVAS stated that she agreed to pick up and smuggle the illegal aliens.

RIVAS stated she was instructed to drive to the Golden Acorn Casino in Campo, California and meet defendant HERNANDEZ. RIVAS stated she was to pick up HERNANDEZ and together they were to load eight to twelve illegal aliens, located in Tecate, California, into their vehicle.

RIVAS stated while driving to the pick up location, they got pulled over by the Border Patrol. RIVAS stated that she knew HERNANDEZ was an illegal alien. RIVAS further stated her sole purpose for being in Tecate, California was to smuggle the group of illegal aliens.

RIVAS stated she had been arrested previously for alien smuggling. RIVAS did not state how much she was to receive for smuggling the aliens into the United States.

DEFENDANT STATEMENT (Joel HERNANDEZ-Sanchez):

HERNANDEZ was advised of his Miranda Rights and agreed to answer questions without an attorney present.

HERNANDEZ stated that on March 6, 2008, he received a phone call from an unknown smuggler asking him if he wanted to transport illegal aliens. HERNANDEZ stated that he agreed and that the smuggler was going to pay him $1000.00 for smuggling the aliens. HERNANDEZ stated he was told to meet with defendant RIVAS at the Golden Acorn Casino in Campo, California.

HERNANDEZ stated that RIVAS drove to the pick up location and waited there for a couple of hours, but after failing to make contact with the group, they decided to leave the area and come back later. HERNANDEZ stated that they went to a near by ranch where they slept for a couple of hours. RIVAS then woke him up and told him that she had received a phone called informing her of the location of the group and instructing them to pick up the group.

DEFENDANT STATEMENT (Martin CHAPA-Contreras):

CHAPA was advised of his Miranda Rights and agreed to answer questions without an attorney present.

CHAPA stated that he illegally entered the United States from Mexico by crossing the United States/Mexico International boundary fence near Tecate, California. CHAPA stated the purpose of his crossing was to seek employment and reside with his sister in Anaheim, California. CHAPA stated that even though he had been apprehended many times by the United States Border Patrol, that he was not guiding the group that he was caught with today.

CONTINUATION OF COMPLAINT:
1.) Becky RIVAS
2.) Joel HERNANDEZ-Sanchez
3.) Jose Luis SAUSEDA-Corrales
4.) Martin CHAPA-Contreras

MATERIAL WITNESS STATEMENTS:

Material witnesses Martin BARAJAS-Paz, Jose Alfredo DURAN-Lopez, and Adolfo BARAJAS-Rivera all stated that they were Mexican citizens not in possession of any immigration documents that would allow them to be or remain in the United States legally.

The material witnesses stated that they were smuggled into the United States by two foot-guides. They stated that they walked between seven to nine hours through dangerous terrain in the mountains until they arrived to a road. They stated that the foot-guides instructed the group to follow them and when to be quiet and when to lie down.

BARAJAS-Paz stated that he was going to pay between $1500.00 and $1800.00 to be smuggled to Los Angeles, California. DURAN and BARAJAS-Rivera stated that they were going to pay between $1800.00 and $2000.00 to be smuggled to an unknown city in the state of Oregon.

The material witnesses were presented with two photographic display line-ups numbered #1 and #2 consisting of six different photos each. The photographs were numbered 1-6 and each material witness was asked to point and identify the picture of the subjects who guided the group from Mexico into the United States. All three material witnesses pointed to photo #6 from photo line up #1 positively identifying defendant Jose Luis SAUSEDA-Corrales as one of the foot-guides of the group he was arrested with. All three material witnesses also pointed to photo #1 from photo line-up #2, positively identifying defendant Martin CHAPA-Contreras as the other foot-guide in the group he was arrested with.

Executed on March 8, 2008 at 10:00 A.M.

Irene S. Aguirre
Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **12** pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 6, 2008**, in violation of **Title 8**, United States Code, Section **1324**.

Leo S. Papas
United States Magistrate Judge

3/10/08 – 107 PM
Date/Time